

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

FAIR ISAAC CORPORATION,

Court File No. 16-cv-1054 (WMW/DTS)

Plaintiff,

v.

FEDERAL INSURANCE COMPANY,
an Indiana corporation, and ACE
AMERICAN INSURANCE COMPANY,
a Pennsylvania corporation,

Defendants.

**DECLARATION OF
CHRISTOPHER D. PHAM IN
SUPPORT OF DEFENDANTS'
MEMORANDUM IN OPPOSITION
TO PLAINTIFF'S MOTION TO
STRIKE DEFENDANTS'
DISCLOSED WITNESSES**

I, Christopher D. Pham, declare as follows:

1. I am an attorney at Fredrikson & Byron, P.A. and am one of the attorneys representing Defendants Federal Insurance Company ("Federal") and ACE American Insurance Company in this case.

2. Attached as **Exhibit 1** is a copy of Federal's Second Supplemental Initial Disclosures, dated March 22, 2019.

3. Attached as **Exhibit 2** is a copy of Federal's supplemental answers to Interrogatory Nos. 16, which are dated January 21, 2019, February 28, 2019, March 2, 2019, and March 21, 2019.

4. Attached as **Exhibit 3** is a copy of Federal's supplemental answers to Interrogatory No. 17, which are dated October 26, 2018, February 28, 2019, March 2, 2019, and March 21, 2019.

5. Attached as **Exhibit 4** is a copy of Federal's supplemental answers to Interrogatory No. 18, which are dated October 26, 2018, December 14, 2018, January 21, 2019, February 28, 2019, and March 21, 2019.

6. Attached as **Exhibit 5** is a copy of Federal's supplemental answers to Interrogatory No. 19, which are dated October 26, 2018, January 21, 2019, and February 28, 2019.

7. Attached as **Exhibit 6** is a copy of Federal's supplemental answers to Interrogatory No. 20, which are dated October 24, 2018, January 21, 2019, February 28, 2019, and March 21, 2019.

8. Attached as **Exhibit 7** is true and correct copy of the Amended Third Notice of Deposition Under Fed.R.Civ.30(b)(6) of Federal Insurance Company and Ace American Insurance Company, dated March 19, 2019 and marked as Deposition Exhibit 403.

9. A search for the term "Setti" of the documents produced by Federal to date in this case returns approximately 958 documents identifying Ewen Setti. The first of those documents was produced on December 29, 2017.

10. Attached as **Exhibit 8** are documents Bates labeled FICO0002023 and FICO0002027, which identify Ewen Setti.

11. Attached as **Exhibit 9** is a copy of Federal's Supplemental Answers to FICO's First Interrogatories, dated June 15, 2017.

12. Claudio Ghislanzoni is Chubb's Chief Enterprise Architect. Mr. Ghislanzoni has been a key contact in settlement negotiations between the parties

beginning in late July or early August 2018. Mr. Ghislanzoni attended the mediation in this case which took place on December 12, 2018.

13. Attached as **Exhibit 10** is a copy of a letter dated December 31, 2018, which was written to FICO's counsel in response to the Court's December 17, 2018 Order and, among other things, identifies Paul Johnston.

14. Attached as **Exhibit 11** is a copy of the opinion in *Lee v. Kmart Corp.*, 2016 WL 4373694 (D. V.I. Aug. 15, 2016).

15. Attached as **Exhibit 12** is a copy of the opinion in *Steady State Imaging, LLC v. Gen. Elec. Co.*, 2018 WL 2047578 (D. Minn. May 2, 2018).

16. Attached as **Exhibit 13** is a copy of the opinion in *Klyuch v. Freightmasters, Inc.*, 2005 WL 318786 (D. Minn. Feb. 9, 2005).

17. Attached as **Exhibit 14** is a copy of the opinion in *Reed v. Washington Area Transit Authority*, 2014 WL 2967920 (E.D. Va. July 1, 2014).

18. Attached as **Exhibit 15** is a copy of the opinion in *Transunion Intelligence LLC v. SearchAmerica Inc.*, 2013 WL 12155778 (D. Minn. Nov. 27, 2013).

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: April 12, 2019

s/ Christopher D. Pham

Christopher D. Pham